

REMARKS

Claim Rejections

Claims 17, 19, 20, 24-28, 30, 31, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montalvo et al. (US 6,693,969) in view of Lieu (US 5,519,887).

Claims 18, 21-23, 29, 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings

It is noted that the Examiner has accepted the drawings filed on July 26, 2006.

New Claims

By this Amendment, Applicant has canceled claims 24, 26, 34, and 36, amended claims 17, 18, 20, 21, 28, 31, and added new claims 37-44 to this application. It is believed that the new and amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Claim Amendments

The Examiner has indicated that claim 18 would be allowable if rewritten in independent form. New independent claim 37 has been added to include the language of previously presented claims 17 and 18, thereby redrafting the claim in independent form. New claims 38-44 all depend from new independent claim 37. In the absence of any art cited against Applicant's original claim 18, it is not believed that any detailed discussion of the cited prior art references is necessary. Suffice to say that claims 37-44 contain subject matter against which no prior art citations have been made.

Rejections based on Montalvo et al. in view of Lieu

The Office rejected claim 17 as being unpatentable over Montalvo et al. in view of Lieu. Applicant traverses the rejection of claim 17 because Applicant submits that the Office has misinterpreted Montalvo et al. in view of Lieu and Montalvo et al. and Lieu fails to teach or suggest each of the claim limitations.

Claim 17 of this application is distinguishable from Montalvo et al. in view of Lieu for the reasons listed below:

In claim 17, the first programmable divisor of the first programmable divider and the local oscillating frequency of the local oscillating signal, which is corresponded to said first programmable divisor, are capable of being programmable-controlled only if a carrier frequency of the RF signal substantially equals to a predetermined value. That is to say, the first programmable divider can only be programmable-controlled once the carrier frequency of the RF signal substantially equals to a predetermined value.

Whereas, Montalvo et al. do not teach "the first programmable divisor of the first programmable divider and the local oscillating frequency of the local oscillating signal, which is corresponded to said first programmable divisor, are capable of being programmable-controlled" as the Examiner mentioned in the Office Action.

As to Lieu, referring to col. 2, lines 50-52, the invention is a switchable phase-locked loop (PLL) frequency synthesizer device and method for achieving dual-mode cellular communications. Furthermore, referring to col. 7, lines 12-16, for any given channel frequency, prescaler 402 with programmable divider 404 always divides the output of VCO 306, signal f_s 210, down to the application specific comparison frequency. Since the divider 404 of Lieu is programmable for achieving dual-mode cellular communications and does not depend on the condition of "only if a carrier frequency of the RF signal substantially equals to a predetermined value", Lieu is absolutely different from claim 17 of this application claimed "the first programmable divisor of the first programmable divider and the local oscillating frequency of the local oscillating signal, which is corresponded to said first programmable divisor, are capable of being programmable-controlled only if a carrier frequency of the RF signal substantially equals to a predetermined value."

Application No. 10/693,962

It is difficult for one having ordinary skill in the art at the time the invention was made to adapt Lieu to Montalvo et al. for rendering the feature of claim 17.

Therefore, claim 17 of this application is patentable over Montalvo et al. in view of Lieu. Since claim 17 is patentable over Montalvo et al. in view of Lieu, claims 18-23, 25 and 27 that are dependent on claim 17 are accordingly patentable.

Claim 28 of this application is patentable over Montalvo et al. in view of Lieu based on the same reasons set forth for claim 17, and claims 29-33 and 35 that are dependent on claim 28 are accordingly patentable.

It is submitted that Montalvo et al. in view of Lieu do not disclose, teach, or suggest modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Montalvo et al. in view of Lieu render obvious any of Applicant's claims under 35 U.S.C. § 103(a).


Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: August 24, 2007

By: _____


John R. Guice, Jr.
Reg. No. 39,699

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144